

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

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CASE NO. 4:13-Cr-38 (17)

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**UNITED STATES OF AMERICA,**

*vs.*

**LEANDRO SEBASTIAN  
MONTENEGRO DELGADO,**

*Defendant.*

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**UNOPPOSED MOTION FOR CONTINUANCE OF THE TRIAL**

COMES NOW the Defendant, **LEANDRO SEBASTIAN MONTENEGRO DELGADO**, by and through his undersigned counsel and respectfully files his Motion for Continuance of the Trial and as grounds therefore would state as follows:

1. This cause is presently set for a Final Pretrial Conference on October 6<sup>th</sup>, 2014 at 10:00 a.m.

2. This case will be resolved by way of plea. However, more time is necessary in order to complete the negotiations regarding the plea agreement and prepare the Defendant for the change of plea. The parties are engaged in good faith and ongoing plea negotiations which undersigned counsel believes will lead to an amicable resolution of this case without need of a trial. However, those negotiations have not been completed and accordingly the defendant would respectfully request that this Honorable Court continue the pre-trial conference, pretrial deadlines and the trial itself in order to allow the parties to finalize their negotiations.

3. It would be in the best interests of judicial economy and justice (and not for the sake of delay) to continue this trial for a brief period. Specifically, a two-month continuance would insure that the parties are fully prepared to go forward (although it is probable that a change of plea will be scheduled prior to that date). It will insure that the parties have sufficient time to complete the negotiation of a plea agreement and to prepare the defendant for the change of plea.

4. Counsel on behalf of and with permission of the Defendant, hereby waives any claim under the Speedy Trial Act of the United States Code and the 6<sup>th</sup> Amendment of the United States Constitution for the duration of the adjournment. Further, the parties would respectfully request that this this Honorable Court exclude the intervening time. The parties submit that such an exclusion would serve the ends of justice in this matter and outweighs the best interest of the public and the defendant in a speedy trial pursuant to Title 18, United States Code, Section 3161(h)(7)(A), because it will allow the parties to finalize their disposition of this case. The Government joints in this request.

5. This motion has been brought to the attention of the United States Attorney, Ernest Gonzalez, Esquire, and he has stated that he has no objections whatsoever to the same.

W H E R E F O R E, the Defendant would respectfully request that this Honorable Court continue the trial and corresponding hearings and deadlines of this matter for a period of sixty (60) days.

## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that on this 16th day of September, 2014 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

Respectfully submitted,

**ROJAS & OLIVA, P.A.**  
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